

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Douglas A. Kelley, *in his capacity as the  
PCI Liquidating Trustee for the PCI  
Liquidating Trust,*

Plaintiff,

v.

Chris M. Kanios; Chris M. Kanios 401(k)  
Savings Plan; National City Bank, *as  
Custodian of the Chris M. Kanios 401(k)  
Savings Plan*; and Steve Papadimos,

Defendants.

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Case No. 18-cv-823 (SRN/SER)

**ORDER**

Elizabeth M. Forsythe, Michael E. Rowe, J. David Jackson, and Lucas J. Olson, Dorsey & Whitney LLP, 50 South Sixth Street, Suite 1500, Minneapolis, MN, 55402, for Plaintiff.

Henry B. Roberts, Jr., H. Buswell Roberts, Jr. PLLC, 200 Country Club Road Southwest, Suite B1, Blacksburg, VA 24060; Michael L. Gust, Anderson, Bottrell, Sanden & Thompson, PO Box 10247, Fargo, ND, 58106; Kyle Kroll, Michael A. Rosow, and Thomas H. Boyd, Winthrop & Weinstine, PA, 225 S. 6th St., Ste. 3500, Minneapolis, MN 55402, for Defendants.

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SUSAN RICHARD NELSON, United States District Judge

In light of the recent ruling by the Eighth Circuit Court of Appeals on the consolidated appeals in this matter and *Kelley v. Boosalis*, see 974 F.3d 884 (8th Cir. 2020), a status conference was scheduled to be held on October 20, 2020. (Sept. 15, 2020 Text-Only Order [Doc. No. 148].)

Counsel for Plaintiff has advised the Court that on October 9, 2020, it filed with the Eighth Circuit a petition for rehearing en banc. (Pl.'s Oct. 15, 2020 Letter [Doc. No. 152].) Due to the pending petition with the Eighth Circuit, the Court hereby **CANCELS** the October 20, 2020 status conference. Counsel shall advise the Court of the Eighth Circuit's decision on its petition.

**SO ORDERED.**

Dated: October 15, 2020

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge